IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

RFA Nos. 241, 242 and 243 of 1998.

Date of decision: 28.9.2007.

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1. RFA 241 of 1998.

Roop Singh Thakur **v. State of H.P. & another**

2. RFA 242 of 1998

Roop Singh Thakur **v. State of H.P. & another**

3. RFA 243 of 1998.

Daya Ram Thakur **v. State of H.P. & another.**

Coram

The Hon'ble Mr.Justice Dev Darshan Sud, J.

Whether approved for reporting?[1] *No.*

For the appellant(s): **Mr. Bhupinder Gupta, Sr. Advocate, with Mr. Neeraj Gupta, Advocate.**

For the Respondents: **Mr. M.S.Chandel, Advocate General, with Mr. Rajan Dewan, Addl. AG.**

Dev Darshan Sud, J. (Oral).

These appeals have been preferred by the claimants against the judgment of the learned District Judge, Bilaspur, partly allowing the Reference Petitions preferred by the claimants. These appeals

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[1] *Whether reports of Local Papers may be allowed to see the judgment? Yes.*

are being disposed of by a common judgment as they involve common questions of law and facts and the reference petitions were consolidated and tried together.

Notification under Section 4 of the Land Acquisition Act for acquisition of the land of the claimants was published in the Rajpatra on 12.10.1985 and the Land Acquistion Collector made the award on 15.12.1987. The purpose of acquisition was for construction of a road through the land of the claimants. Learned Reference Court, after considering the evidence in detail, allowed the petitions by granting compensation @ 7,759/- per bigha for all qualities of lands. Solatium and interest was allowed accordingly.

Learned counsel has filed CMP 1015 of 2007 under order 41 Rule 27 of the Code of Civil Procedure in RFA 241 of 1998 placing on record the judgments passed by this Hon'ble Court in RFA 1 of 1984, copy of the awards passed by the learned District Judge, Shimla Division, Camp at Bilaspur on 23.9.1983, 24.3.1982 and 22.6.1982. Learned counsel submits that these judgments deal with the same acquisition and notification and that there can be no distinction in

the compensation to be awarded to the claimants who have been discriminated against. In RFA 1 of 1984, titled as Land Acquisition Collector v. Daya Ram and others, this Court allowed compensation for the acquired land of the other claimants @ Rs.20,000/- per bigha. Appeal preferred by the Land Acquisition Collector was dismissed by this Court holding that the market value of the land was Rs.20,000/- per bigha. This application is allowed for the reason that it does not seek to lead additional evidence in the sense of placing additional facts before this Court, but merely judgments passed by this Court or the Reference Court which can otherwise be cited at the time of arguments.

I do not see any reason to differ from the judgment passed by the Hon'ble the Chief Justice in RFA 1 of 1984, titled Land Acquisition Collector v. Daya Ram and others on 23.3.1984, more so when the judgment deals with the acquisition of land pertaining to construction of the same road which is the subject matter of the present appeals.

In the facts and circumstances, these appeals are allowed. The judgment and order of the learned District Judge is set aside and it is held that the claimants will be entitled to compensation @ 20,000/-

per bigha. It is further directed that they will be entitled to all the statutory increases in solatium and interest. These appeals are accordingly allowed. There shall be no order as to costs. All pending applications shall also stand disposed of.

September 28, 2007 (PC) (Dev Darshan Sud), J.